IN THE CLAIMS:

Claims 10 and 62 have been amended. Claims 1, 10, 25-28, 30-31, 53, 62, 77-80, 82-83, and 87-90 are pending. The following is the current status of the claims of the above-captioned application.

1. (Original) A method for producing a biological substance, comprising:

(a) cultivating a fungal host cell in a medium conducive for the production of the biological substance, wherein the fungal host cell comprises a first nucleic acid sequence encoding the biological substance operably linked to a second nucleic acid sequence comprising a promoter variant selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12; and subsequences thereof; and hybrid and tandem promoters thereof; and

(b) isolating the biological substance from the cultivation medium.

2-9. (Cancelledl)

10. (Currently Amended) The method of claim 1, wherein the promoter variant comprises at least two copies of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

11-24. (Cancelled)

25. (Original) The method of claim 1, wherein the promoter variant increases expression of the first nucleic acid sequence and is selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, and SEQ ID NO: 5; and subsequences thereof.

26. (Original) The method of claim 1, wherein the promoter variant decreases expression of the first nucleic acid sequence and is selected from the group consisting of SEQ ID NO: 6, SEQ ID NO: 7, and SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12; and subsequences thereof.

27. (Original) The method of claim 1, wherein the hybrid promoter is comprised of portions of two or more promoters.

28. (Original) The method of claim 27, wherein the hybrid promoter comprises one or more portions selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12.

29. (Cancelled)

30. (Original) The method of claim 1, wherein the tandem promoter is comprised of two or more promoters.

31. (Original) The method of claim 30, wherein the tandem promoter comprises two or more promoters selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12.

32-52. (Cancelled)

53. (Original) An isolated promoter variant comprising a nucleic acid sequence selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12; and subsequences thereof; and hybrid and tandem promoters thereof.

54-61. (Cancelled)

62. (Currently Amended) The promoter variant of claim 53, wherein the promoter variant comprises at least two copies of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

63-76. (Cancelled)

77. (Original) The promoter variant of claim 53, which increases expression of the first nucleic acid sequence wherein the promoter variant is selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, and SEQ ID NO: 5; and subsequences thereof.

78. (Original) The promoter variant of claim 53, which decreases expression of the first nucleic acid sequence, wherein the promoter variant is selected from the group consisting of SEQ ID NO: 6, SEQ ID NO: 7, and SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12; and subsequences thereof.

79. (Original) The promoter variant of claim 53, wherein the hybrid promoter is comprised of portions of two or more promoters.

80. (Original) The promoter variant of claim 79, wherein the hybrid promoter comprises one or more portions selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12.

81. (Cancelled)

82. (Original) The promoter variant of claim 53, wherein the tandem promoter is comprised of two or more promoters.

83. (Original) The promoter variant of claim 82, wherein the tandem promoter comprises two or more promoters selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12.

84-86. (Cancelled)

87. (Original) A nucleic acid construct comprising a nucleic acid sequence encoding a biological substance operably linked to the promoter variant of claim 53; or subsequences thereof; or hybrid and tandem promoters thereof.

88. (Original) A recombinant expression vector comprising the nucleic acid construct of claim 87.

89. (Original) A recombinant host cell comprising the nucleic acid construct of claim 87.

90. (Original) A method for producing a biological substance, comprising (a) cultivating a homologously recombinant cell, having incorporated therein a new transcription unit comprising a promoter variant of claim 53, an exon, and/or a splice donor site operably linked to a second exon of an endogenous nucleic acid sequence encoding the biological substance, under conditions conducive for production of the biological substance; and (b) recovering the biological substance.